

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MORLYNE YOUNG,)	
)	
Plaintiff,)	
)	No. 4:12CV01180 AGF
v.)	
)	
)	
LVNV FUNDING LLC,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Morlyne Young's motion for appointment of a neutral pro bono (Doc. No. 51), in which he asserts that he does not have the financial resources to cover his share of a neutral's fees. In its response (Doc. No. 52), Defendant LVNV Funding LLC points out that Plaintiff has failed to demonstrate his financial inability to pay. Defendant is correct, and Plaintiff's motion will be denied without prejudice.

In its response, Defendant suggests that "any mediation [in this matter] may be an exercise in futility," and Defendant "would prefer to avoid the travel and time expense of flying in a corporate representative to participate in such proceedings." (Doc. No. 52 at 3-4.) Defendant also suggests that "the case be referred to a magistrate judge to hold a telephonic conference" with both parties' counsel. (*Id.* at 4.)

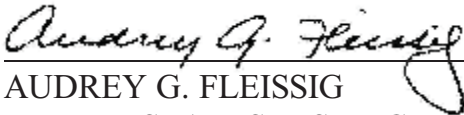
Defendant is reminded of its obligation to mediate in good faith. *Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 595 (8th Cir. 2001). Further, Defendant is advised that

magistrate judges do not conduct mediations in this District. *See generally* E.D.Mo. L.R 6.01-6.05, 11.01. If Defendant wishes to have its corporate representative appear by phone, Defendant must file a motion seeking such relief and setting forth the cause for same.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Morlyne Young's motion for appointment of a neutral pro bono is **DENIED** without prejudice. (Doc. No. 51.)

IT IS FURTHER ORDERED that within seven (7) days of entry of this Memorandum and Order, Plaintiff may file a properly supported motion for leave to proceed *in forma pauperis* accompanied by an affidavit evidencing his inability to pay. The Clerk is **DIRECTED** to provide Plaintiff with the appropriate non-prisoner motion and affidavit form to assist him in complying with this Memorandum and Order.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2013.